

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In the Matter of the Application of

Oleg Vladimirovich Deripaska, for an order, pursuant to 28 U.S.C. § 1782, to obtain discovery from Alexandra Kogan and JPMorgan Chase Bank for use in an action pending in the High Court of Justice, Queen's Bench Division, Commercial Court, styled *Michael Cherney v. Oleg Vladimirovich Deripaska*.

Misc. No.: 11-0537 (ENV)

STIPULATION AND [PROPOSED] ORDER

WHEREAS on July 20, 2011, Oleg Vladimirovich Deripaska ("Deripaska") filed an application for an order pursuant to 28 U.S.C. § 1782 to obtain discovery from Alexandra Kogan ("Kogan") and JPMorgan Chase Bank ("Chase") for use in an action pending in the High Court of Justice, Queens Bench Division, Commercial Court, styled *Michael Cherney v. Oleg Vladimirovich Deripaska* (the "Application"), and

WHEREAS Kogan and Chase do not oppose the Application,

IT IS HEREBY STIPULATED AND AGREED by and through the undersigned counsel that there is no objection to the granting of an order pursuant to 28 U.S.C. § 1782 permitting counsel for Deripaska to issue the subpoenas attached as Exhibits 1 and 2 pursuant to Fed. R. Civ. P. 45 commanding Chase to produce documents and Kogan to produce documents and provide deposition testimony for use in the action entitled *Michael Cherney v. Oleg Vladimirovich Deripaska*, currently pending in England before the High Court of Justice, Queens Bench Division, Commercial Court. Chase and Kogan agree to produce the requested documents on or before August 19, 2011, and Kogan agrees to make herself available for a deposition on or before August 22, 2011. The parties

agree to limit the deposition of Ms. Kogan to three hours, with reasonable time afforded to Mr. Cherney for questioning Ms. Kogan.

Dated August 1, 2011

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Counsel for Michael Cherney

Dated: Brooklyn, New York

~~2011~~
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~~SO ORDERED~~
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Honorable Eric N. Vitaliano
U.S. DISTRICT JUDGE
Eastern District of New York